

Wetlands Bureau Decision Report

Decisions Taken
08/09/2004 to 08/13/2004

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

1999-02545

BABIN, MICHAEL

CHESTER Unnamed Wetland Unnamed Stream

Requested Action:

Applicant requests change from a Conservation Easement to a Declaration of Restrictions as the Grantee has not accepted the easement.

Inspection Date: 06/15/2000 by Gino E Infascelli

Inspection Date: 11/01/2001 by Gino E Infascelli

APPROVE AMENDMENT:

Retain approximately 26,516 sq. ft. of fill for access and lot development; fill an additional 15,184 sq. ft. of wetlands for the construction/upgrade of a road and installation of a 4 ft. x 16 ft. box culvert and 15 in. culverts to access a proposed 10-lot subdivision on 48 acres. Mitigate by restoring 19,980 sq. ft. of emergent and shrub wetland and providing a Declaration of Restrictions on 33.61 acres.

With Conditions:

1. All work shall be in accordance with plans by Eric Mitchell & Assoc, Inc. dated January 27, 2003, received by the Department on May 1, 2003 except as superseded by Sheet 17 of 17 titled Wetland Restoration Plan (REV:B) and Sheet P3 (REV:B) both received on July 1, 2003.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed, which accompanies the sales transaction for each of the lots in this subdivision, shall contain condition #2 of this approval.
4. The deed, which accompanies the sales transaction for each of the lots, where wetlands restoration or monitoring will occur, shall allow access for those purposes.
5. This permit is contingent on approval by the DES Site Specific Program.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.
7. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
8. Work shall be done during low flow.
9. Orange construction fencing shall be placed at the limits of construction adjacent to wetlands to prevent accidental encroachment.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Proper headwalls shall be installed.
13. The designated engineer shall conduct a pre-construction meeting during which all details of the approved plans and permit conditions are discussed and explained to all contractors responsible for any work conducted under this permit. The applicant shall provide a record of attendance to this file within 30 days after the meeting.
14. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to further construction.

Wetland Restoration:

15. This permit is contingent upon the restoration of approximately 19,980 sq. ft. of wetlands in accordance with plans received on July 1, 2003 specifically Sheet 17 of 17 and Sheet P3 ("the Restoration Plan").
16. The schedule for restoration shall coincide with site development, unless conducted prior to the remaining site development, and in any case shall be completed by October 1, 2004.

17. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 30 days of the completion of construction.
18. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
19. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
20. Any changes or alterations to the Restoration Plan shall be in writing and approved by the DES in writing prior to implementing any such changes or alterations.
21. Seed mix used in the restoration shall not contain reed canary grass.
22. Any organics used to amend the soil shall not contain any manure.
23. Machinery shall not be used in undisturbed wetland areas. Where machinery is required for restoration purposes, BMP's shall be used to avoid soil compaction.
24. The restoration area shall be properly constructed, monitored, managed in accordance with approved final restoration plans, and the entire restoration area shall be preserved from future development.
25. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland restoration site. The potential for the establishment of the invasive species should be considered by the permittee in upland areas where spoils may be spread to limit its further establishment.
21. Wetland construction and enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
22. Wetland construction and enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands previously impacted at this area. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.
23. The permittee shall designate a certified wetland scientist who will have the responsibility to assure that the restoration area is restoration accordance with the Restoration Plan, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified in writing by the permittee of the designated certified wetland scientist prior to the start of work and if there is a change of status during the project. The designated certified wetland scientist shall also notify the file in writing if there is a change of status during the project.
24. The designated certified wetland scientist shall monitor the initial construction of the mitigation area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.
25. The certified wetland scientist shall conduct a follow-up inspection after the first growing season, to review the success of the restoration area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by September 15 of that year. Similar inspections, reports and remedial actions shall be undertaken after the second and third years following the initial completion of each restoration site. Reports shall be submitted by September 15, 2005 and September 15, 2006.
26. After at least five full growing seasons, the certified wetland scientist shall delineate the wetlands within the restoration site and document the delineation with data forms and depict the delineation as an overlay of the final as-built plans.
27. The permittee shall control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

Wetland preservation:

28. This permit is contingent upon the execution of a Declaration of Restrictions on 33.61 acres as depicted on plans received July 1, 2003.
29. The Declaration of Restrictions areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
30. The plan noting the location of the Declaration of Restrictions with a copy of the final Declaration of Restrictions language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the sale of any lot.
31. The language for the deed restrictions shall be recorded with the Registry of Deeds Office for each lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.

32. The Declaration of Restrictions areas shall be marked by stakes and signs indicating the location and restrictions of the area prior to further construction, and by monuments prior to the sale of any lot.
33. There shall be no removal of the existing vegetative undergrowth within the Declaration of Restrictions areas and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
34. Activities in contravention of the Declaration of Restrictions shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

ADDED CONDITION:

35. The use of the words "conservation easement" or "easement" on plans or other documents in this approval are intended to be replaced with "Declaration of Restrictions"

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of more than 20,000 sq. ft. of nontidal wetlands.
2. The amended permit changes "Conservation easements" to Declaration of Restrictions and allows the compliance deadline to be extended to October 1, 2004.

2003-01009 NH DEPT OF TRANSPORTATION
LEBANON Unnamed Wetland

Requested Action:

Request to amend the permit by adding additional temporary impacts of 50,853 for the installation of turbidity curtains at several outlets.

Conservation Commission/Staff Comments:

Intervened - no report

Inspection Date: 10/29/2003 by Gino E Infascelli

APPROVE AMENDMENT:

Reconstruct 1.06 miles of roadway improving alignments, drainage, culverts and outlets, stormwater treatment and add a sidewalk impacting 65,285 sq. ft. (51,661 sq. ft. temporary) of palustrine and riverine wetlands. NHDOT project #13185A.

With Conditions:

- 1a. All work shall be in accordance with plans by Maguire Group, Inc., dated 6/9/04 as received by the Department on June 15, 2004.
- 1b. Erosion control and water quality management shall be consistent with the language provided to the DES on June 15, 2004.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized in accordance with condition 1b above and in any case within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
14. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i), alteration of more than 200 linear feet of stream or banks.
2. The amendment is for temporary impacts allowing for the installation of turbidity curtains.

2003-01296 CHAMBERLAIN, THOMAS & GERTRUDE
LITCHFIELD Grassy Pond

Requested Action:

Approve name change to: Stage Crossing LLC, 317 South River Rd., Bedford NH 03110 per request received 8/10/2004.

Conservation Commission/Staff Comments:

The Town of Litchfield Conservation Commission reports: "We are satisfied with the total mitigation package that has been offered with 10+ acres to be deeded to the Town as a permanent agricultural easement. ... As mitigation the Town will also be receiving approximately two acres on the west side of Route 3A with frontage on the Merrimack River and abutting a six acre LCIP parcel owned by NH Fish and Game."

Inspection Date: 07/18/2003 by Frank D Richardson

APPROVE NAME CHANGE:

Dredge and fill a total of 31,284 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with culvert crossings to access a 71-unit elderly housing complex on a 92 acre parcel of land.

Compensatory mitigation is provided as a 10.2 acre conservation easement deeded to the Town of Litchfield.

With Conditions:

1. All work shall be in accordance with plans by Edward N. Herbert Assoc., Inc. dated May 2003 and overview plan delineating conservation easement areas (last revised 2-12-04), as received by the Department on June 24, 2003 and March 02, 2004 respectively.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, septic setback or other construction activities.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or

netting and pinning on slopes steeper than 3:1.

10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

12. Silt fencing must be removed once the area is stabilized.

13. Proper headwalls shall be constructed within seven days of culvert installation.

14. Culvert outlets shall be properly rip rapped.

15. Work shall be done during low flow.

16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

17. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

COMPENSATORY MITIGATION:

I. Land Resources Preservation:

1. This permit is contingent upon the execution of a conservation easement on 10.2 acres as depicted on plans received together with the 'Conservation Easement Deed' on October 29, 2003 and overview plan delineating the conservation easement areas including lots 12-18 & 12-19 fronting on the Merrimack River received March 02, 2004.

2. The conservation easement(s) to be placed on the preservation area(s) shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Hillsborough County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.

6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.

7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

2003-01308 NEWBURY, TOWN OF
NEWBURY Lake Sunapee

Requested Action:

Replace three existing 2 ft by 20 ft seasonal piers extending from the 14 ft by 120 ft public dock with three 4 ft by 20 ft seasonal piers the town public dock, Lake Sunapee, Newbury.

Conservation Commission/Staff Comments:

Con Com has no objection to the proposed project.

Inspection Date: 08/11/2004 by Dale R Keirstead

APPROVE PERMIT:

Replace three existing 2 ft by 20 ft seasonal piers extending from the 14 ft by 120 ft public dock with three 4 ft by 20 ft seasonal piers the town public dock, Lake Sunapee, Newbury.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on June 16, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
7. Construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Seasonal piers shall be removed from the lake for the non-boating season.
9. No work is authorized to the 14 ft by 120 ft pier, 4 ft by 20 ft pier and 11 ft by 19 ft pier.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), modification of a major docking facility.
2. The applicant has 240 feet of frontage along Lake Sunapee.
3. The proposed 4 ft by 20 ft seasonal docks are replacing existing 2 ft by 20 ft permanent docking structures.
4. The proposed docking facility does not add any new slips as defined per RSA 482-A:2.
5. Public hearing is waived based on field inspection, by NH DES staff, on August 11, 2004, with the finding that the project impacts will not significantly impair the resources of Lake Sunapee.
6. The increased width is necessary to provide safe use of this public facility.

-Send to Governor and Executive Council-

2003-01843 HEPFINGER, GALE/NORBERT
MEREDITH Lake Winnepesaukee

Requested Action:

Permanently remove an existing 4 ft x 36 ft seasonal dock with an existing 5 ft x 8 ft floating attachment and 45 cu yd of rock fill, install a 6 ft x 53 ft piling dock, with (3) 3-piling ice clusters and (2) tie-off pilings, and repair an existing 40 linear ft stone wall on an average of 85 ft of frontage on Meredith Neck, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. Com. had no objection to project.

APPROVE PERMIT:

Permanently remove an existing 4 ft x 36 ft seasonal dock with an existing 5 ft x 8 ft floating attachment and 45 cu yd of rock fill, install a 6 ft x 53 ft piling dock, with (3) 3-piling ice clusters and (2) tie-off pilings, and repair an existing 40 linear ft stone wall on an average of 85 ft of frontage on Meredith Neck, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Docks Unlimited dated May 10, 2004, as received by the Department on August 10, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. The existing seasonal dock and rock fill shall be completely removed and placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Repair of the existing stone wall shall maintain existing size, location and configuration.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(g), removal of more than 20 cubic yards of material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on October 7, 2003. Field inspection determined that a breakwater would not be approvable in the given location. However, a permanent pier is justified given the approximate location of high boat traffic and wave activity.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this lacustrine system.

-Send to Governor and Executive Council-

2003-02702 CR WILSON PROPERTIES NH INC
LEBANON Densmore Pond

Requested Action:

Confirm Emergency Authorization to impact 2660 square feet of perennial stream to remove existing sluiceway, 60-inch culvert, and existing beaver dams to alleviate upstream flooding issues.

Conservation Commission/Staff Comments:

The conservation commission did not comment on this application

CONFIRM EMERGENCY AUTHORIZATION:

Impact 2660 square feet of perennial stream to remove existing sluiceway, 60-inch culvert, and existing beaver dams to alleviate upstream flooding issues.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new

application and further permitting by the Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i), projects that alter the course of or disturb 200 or more linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The project was necessary to reduce water levels in Densmore Pond protecting abutting properties on the pond.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on December 16, 2003.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.
5. DES Staff conducted a field inspection of the proposed project on March 10, 2004. Field inspection determined work had not been completed as originally permitted. DES requested additional stabilization efforts be undertaken, photographs of these areas illustrating the completion of work as permitted has been submitted to DES.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of these lacustrine and riverine ecosystems.
7. The applicant has submitted a letter of permission from the affected abutter pursuant to Rule Wt 304.04, Setback from Property Lines.

2004-00634 ADELPHIA AGRIOS DEMETRIOS LLC, JOHN GRAMMAS
EPPING Unnamed Wetland

Requested Action:

Fill approximately 51,693 square feet of palustrine forested and scrub-shrub wetlands to construct a retail building and associated parking on a 3.18-acre lot. Dredge approximately 21,812 square feet of palustrine forested wetlands to construct a stormwater retention pond, and temporarily impact approximately 7,082 square feet of palustrine forested wetlands for installation of stormwater drain pipes and construction of a stormwater retention pond.

As compensatory mitigation for permanent wetlands impacts preserve approximately 33.5 acres of uplands and wetlands adjacent to the Lamprey River, through execution of conservation easements.

Conservation Commission/Staff Comments:

In an electronic mail communication dated May 24, 2004 the Epping Conservation Commission provided the following comments: a) the DES Wetlands Bureau should seek input from the National Park Service and the Lamprey River Local Advisory Committee regarding the proposed wetlands compensatory mitigation areas; b) the application has no provision for the storage of plowed snow and no measure to prevent plowed snow from melting into the adjacent wetlands; and c) a vegetative buffer of native plants should be planted along the rail trail adjacent to the property.

Inspection Date: 07/07/2004 by Christian P Williams

APPROVE PERMIT:

Fill approximately 51,693 square feet of palustrine forested and scrub-shrub wetlands to construct a retail building and associated parking on a 3.18-acre lot. Dredge approximately 21,812 square feet of palustrine forested wetlands to construct a stormwater retention pond, and temporarily impact approximately 7,082 square feet of palustrine forested wetlands for installation of stormwater drain pipes and construction of a stormwater retention pond.

As compensatory mitigation for permanent wetlands impacts preserve approximately 33.5 acres of uplands and wetlands adjacent to the Lamprey River, through execution of conservation easements.

With Conditions:

1. All work shall be in accordance with the following plans by TF Moran, Inc.:
 - a) The Existing Conditions Plan (Sheet 2 of 19), the Wetland Impact Plan (Sheet 4 of 19), the Grading and Drainage Plan (Sheet 6 of 19), the Erosion Control Plan (Sheets 8 & 9 of 19) and the Detail Sheet (Sheets 18 & 19 of 19) dated February 4, 2004 and revised April 15, 2004, as received by the Department on April 14, 2004;

- b) The Site Layout Plan (Sheet 5 of 19) dated February 4, 2004 and revised April 15, 2004, as received by the Department on July 13, 2004;
 - c) The Grading and Drainage Plan (Sheet 7 of 19) dated February 4, 2004 and revised June 28, 2004, a received by the Department on July 13, 2004; and
 - d) The 1998 Aerial Photo Plan entitled "Preservation Proposal for Epping Village Retail, Route 125, Epping, NH" by NH Soil Consultants, Inc., as received by the Department on July 13, 2004.
- 2. This permit is contingent on approval by the DES Site Specific Program.
 - 3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback on Lot 294 (Epping Tax Map 29).
 - 4. Any further alteration of areas on Lot 292 (Epping Tax Map 29) that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
 - 5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
 - 6. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Epping Conservation Commission of the date project construction is proposed to begin.
 - 7. Work shall be conducted during low flow conditions.
 - 8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
 - 9. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
 - 10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
 - 11. Proper headwalls shall be constructed within seven days of culvert installation.
 - 12. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
 - 13. Temporary wetland impact areas shall be regraded to original contours, planted with a wetland seed mix and stabilized immediately following completion of work.
 - 14. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
 - 15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
 - 16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
 - 17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
 - 18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Upland Buffer and Wetland Preservation:

- 19. This permit is contingent upon the execution of conservation easements on approximately 33.5 acres, as depicted on the 1998 Aerial Photo Plan entitled "Preservation Proposal for Epping Village Retail, Route 125, Epping, NH" by NH Soil Consultants, Inc., as received by the Department on July 13, 2004.
- 20. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to the easements.
- 21. The plan noting the conservation easement areas with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
- 22. The conservation easement areas shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
- 23. Signs to indicate the location of and restrictions on the conservation easement areas shall be posted no further than every 150 feet along the boundaries of the conservation easement areas prior to construction.
- 24. Prior to construction, the permittee shall notify the NHDES Wetlands Bureau of the placement of the conservation easement area signs.

25. Activities in contravention of the conservation easements shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. The project is categorized as a Major Impact Project, per Administrative Rule Wt 303.02(c), as the project involves greater than 20,00 square feet of alteration in wetlands.
2. The property is bounded to the north and west by an abandoned railroad bed and to the east by Main Street and Route 125. Abutting properties to the north, south and east (across Main Street and Route 125) are comprised of commercial, industrial and retail development.
3. The project will improve existing off-site stormwater drainage problems by redirecting existing untreated stormwater, which currently discharges directly to wetlands, through a subsurface collection system and stormwater retention pond.
4. The Department finds that the concerns regarding snow storage and treatment of melting snow, as raised by the Epping Conservation Commission in an electronic mail communication to the DES Wetlands Bureau dated May 24, 2004, have been sufficiently addressed by the applicant's authorized agent, NH Soil Consultants, Inc., in a letter dated July 13, 2004.
5. In response to the electronic mail communication from the Epping Conservation Commission dated May 24, 2004, requesting that the DES Wetlands Bureau seek input from the National Park Service and the Lamprey River Advisory Committee regarding the proposed wetlands compensatory mitigation areas, the Department has reviewed the written comments from the Lamprey River Advisory Committee, dated June 8, 2004, and coordinated with the Rockingham County Conservation District to ensure that the comments are appropriately addressed in the conservation easement deeds.
6. In an Inter-Department Communication dated July 1, 2004, the NH Fish & Game Department indicated that impacts to rare Blanding's, spotted and wood turtles at the site would probably be limited due to the site's proximity to existing development and Routes 101, 125 and Main Street.
7. To compensate for permanent project-related wetlands impacts the applicant has agreed to preserve, through execution of conservation easements, approximately 33.5 acres of wetlands and contiguous upland buffer along the Lamprey River in Epping. The preservation areas contain a variety of habitat types, including forested, scrub-shrub and emergent wetlands, vernal pools, two open-water oxbows, an unnamed perennial stream and forested uplands. The New Hampshire Natural Heritage Bureau has identified a "Red Maple Floodplain Forest" within the preservation area and has indicated that the area may provide habitat for Blanding's, spotted and wood turtles.
8. The wetlands compensatory mitigation proposal exceeds the ratios listed in Table 800-1 of the DES Wetlands Bureau's Compensatory Mitigation Rules (Chapter Wt 800).
9. DES Wetlands Bureau staff conducted a field inspection of the property on July 7, 2004.
10. Public hearing is waived with the finding that the proposed project will not significantly impair the resources of the palustrine forested wetland ecosystem.
11. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.
12. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
13. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
14. The Department finds that a complete technical review of site drainage issues, including stormwater analyses for quality and quantity of stormwater runoff, has been conducted by the DES Site Specific Program. This includes, but is not limited to, review of: methods to control peak stormwater discharge rates; construction erosion controls; and methods for treatment of stormwater runoff from impervious surfaces. Issuance of DES Site Specific Permit WPS 6775 on May 4, 2004 is indicative that all requirements of Env-Ws 415 have been satisfied.

MINOR IMPACT PROJECT

2003-02006 WHITES LEDGE REALTY INC
BARTLETT Stoney Brook

Requested Action:

Impact 5,030 square feet of palustrine forested wetlands adjacent to Stony Brook to construct a bridge for access to a residential cluster development.

Conservation Commission/Staff Comments:

Cluster development with no change in lot number.

Conservation Commission approved the original design for a utility crossing, no additional comments submitted for the roadway impact.

APPROVE PERMIT:

Impact 5,030 square feet of palustrine forested wetlands adjacent to Stony Brook to construct a bridge for access to a residential cluster development.

With Conditions:

1. All work shall be in accordance with plans by Thaddeus Thorne Surveys Inc. dated July 5, 2004, as received by the Department on July 20, 2004.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of the final bridge construction sequence and erosion control plans. Those plans shall detail the timing and method of construction and show temporary siltation/erosion control measures to be implemented.
4. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
5. Work shall be done during low or non flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq ft of nontidal jurisdictional wetlands
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The subject parcel is located within the vicinity of an exemplary flood plain plant community.
6. The immediate project site will be approximately 1/4 mile from the exemplary plant community.
7. The Department has determined the project as designed will have no adverse impacts on the environment.

2004-00423 LAWRENCE, PETER
CENTER HARBOR Lake Winnepesaukee

Requested Action:

Impact 1,040 square feet of emergent wetland for the construction of a pond.

Conservation Commission/Staff Comments:

The Center Harbor Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 1,040 square feet of emergent wetland for the construction of a pond.

With Conditions:

1. All work shall be in accordance with the plans by David Weathers date November 2003, as received by the Department on March 16, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done during low flow conditions.
4. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(e), as the project involves alteration of less than 20,000 square feet of poorly drained and very-poorly drained emergent wetlands for pond construction.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.
3. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

2004-01075 PAULEY, JEFFREY
ALTON Unnamed Wetland

Requested Action:

Dredge and fill 4943 square feet of palustrine forested wetland including installation of two 15-inch x 25 foot culverts for access to a proposed single family building location.

Conservation Commission/Staff Comments:

The Conservation Commission recommends denial of the project based on the accuracy wetland Delineation, the sizing of the culverts, and the size of the septic system.

APPROVE PERMIT:

Dredge and fill 4943 square feet of palustrine forested wetland including installation of two 15-inch x 25 foot culverts for access to a proposed single family building location.

With Conditions:

1. All work shall be in accordance with plans by Steven J Smith and Associates Inc. dated May 14, 2004, and revised through August 5, 2004, as received by the Department on August 9, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be conducted during low water conditions.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The wetlands on the lot have been delineated by two separate certified wetland scientists independently of one another.
5. In accordance with Wt 301.01(d), the applicant has provided plans with a wetland delineation stamped by a Certified Wetland Scientist.
6. The applicant has increased the size of the culverts in response to DES and the Conservation Commission's requests.
7. DES Subsurface Systems Bureau reviewed and approved the proposed septic system for construction.

2004-01208 NH DEPT OF TRANSPORTATION
HAMPTON FALLS Hampton Falls River

Requested Action:

Construct a new concrete invert a 10 ft. x 56 ft. multi-plate arch culvert, construct wings, cut off walls and install class B stone impacting 1,200 sq. ft. of stream and banks (330 sq. ft. temporary).

APPROVE PERMIT:

Construct a new concrete invert a 10 ft. x 56 ft. multi-plate arch culvert, construct wings, cut off walls and install class B stone impacting 1,200 sq. ft. of stream and banks (330 sq. ft. temporary). (NHDOT project #99033T)

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance dated 1/04, as received by the Department on June 7, 2004.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.

5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of banks of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Species of concern are 4,000 feet downstream of the project and will not be impacted as the clean water will pass through the project site.

2004-01288 KAYSER 2002 TRUST, MARGARET
ALTON Lake Winnepesaukee

Requested Action:

1. Repair an existing 7 ft 4 in x 29 ft 10 in piling pier attached to a 10 ft 6 in x 11 ft 6 in deck, in an "L" shape, in-kind;
2. Permanently remove two existing 10 ft x 30 ft 11 in crib piers connected by a 3 ft x 9 ft 5 in walkway and replace with a 10 ft x 30 ft 11 in piling pier connected to a 7 ft x 30 ft 11 in piling pier by a 3 ft x 12 ft walkway, in a "U" shape;
3. Replace an existing 5 ft x 7 ft concrete pad with wood adjacent to an existing 8 ft x 11 ft deck, and;
4. Install a 3-piling ice cluster on an average of 170 ft of frontage on Alton Bay, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Com. Com. recommends approval and hopes applicant will use an alternative to pressure treated lumber.

APPROVE PERMIT:

1. Repair an existing 7 ft 4 in x 29 ft 10 in piling pier attached to a 10 ft 6 in x 11 ft 6 in deck, in an "L" shape, in-kind;
2. Permanently remove two existing 10 ft x 30 ft 11 in crib piers connected by a 3 ft x 9 ft 5 in walkway and replace with a 10 ft x

- 30 ft 11 in piling pier connected to a 7 ft x 30 ft 11 in piling pier by a 3 ft x 12 ft walkway, in a "U" shape;
3. Replace an existing 5 ft x 7 ft concrete pad with wood adjacent to an existing 8 ft x 11 ft deck, and;
 4. Install a 3-piling ice cluster on an average of 170 ft of frontage on Alton Bay, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated May 24, 2004, revised on August 13, 2004, as received by the Department on August 13, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Repair of the piling pier shall maintain existing size, location and configuration.
6. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. All removed material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), modification of an existing 4-slip docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 6, 2004. Field inspection determined the project to be approvable once the plans were revised, eliminating the proposed rock removal.
6. The proposed modifications to the docking facility will result in a reduction of construction surface area over public submerged lands and therefore meets the requirements of Rule Wt 402.22, Modification of Existing Structures.

2004-01289 **MCWALTER, ROBERT & DEIRDRE**
GILFORD **Lake Winnepesaukee**

Requested Action:

Install (2) 3-piling ice clusters adjacent to an existing 6 ft x 40 ft piling pier on an average of 116 ft of frontage on Varney Point, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con. Com. had no objections to project.

APPROVE PERMIT:

Install (2) 3-piling ice clusters adjacent to an existing 6 ft x 40 ft piling pier on an average of 116 ft of frontage on Varney Point,

Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated June 8, 2004, as received by the Department on June 15, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(m), installation of ice clusters.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2003-01998 LANGEVIN, JACQUELINE
LACONIA Winnepesaukee River

Requested Action:

Maintenance dredge.

Conservation Commission/Staff Comments:

Con Com has no objections

With Findings:

1. 1. A request for additional information dated November 17, 2003, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2003-02627 WAGER JR, RALPH
CANAAN Unnamed Wetland

Requested Action:

Deny request to replace existing bridge with culvert for access to a single family residence.

Conservation Commission/Staff Comments:

The Cannan Conservation Commission did not comment on this application.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to replace existing bridge with culvert for access to a single family residence.

With Findings:

1. A request for additional information dated Marhc 18, 2004, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2004-00849 ROBERTS, ELLEN
MADISON Moores Pond

Requested Action:

Excavate 510 sq ft of bank to construct a perched beach surrounded by 95 linear ft of stone wall, utilizing 10 cu yds of sand, with steps accessing the water, and install a 4 ft x 12 ft seasonal dock on an average of 259 ft of frontage on Moores Pond, Madison.

Conservation Commission/Staff Comments:

Con. Com. offered no comments.

APPROVE PERMIT:

Excavate 510 sq ft of bank to construct a perched beach surrounded by 95 linear ft of stone wall, utilizing 10 cu yds of sand, with steps accessing the water, and install a 4 ft x 12 ft seasonal dock on an average of 259 ft of frontage on Moores Pond, Madison.

With Conditions:

1. All work shall be in accordance with plans by Ellen Roberts dated August 4, 2004, as received by the Department on August 6, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Excavated or removed material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Seasonal piers shall be removed for the non-boating season.
9. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line. Those rocks existing at the normal high water line shall remain otherwise

undisturbed such that the natural shoreline remains identifiable.

10. The steps installed for access to the water shall be located completely landward of the normal high water line.
11. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
12. This permit shall be used only once, and does not allow for annual beach replenishment.
13. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
14. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), construction of a single family perched beach utilizing 10 cubic yards of sand.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-00903 MARTUS, GREG
GREENFIELD Unnamed Wetland

Requested Action:

Impact approximately 1,580 square feet of jurisdictional wetlands, to include 30 linear feet of seasonal stream impacts, for upgrades to a Class VI road, known as Driscoll Road.

Conservation Commission/Staff Comments:

Conservation Commission signed the expedited application. Board of Selectmen has provided written consent for the proposed upgrades to a Class VI town road.

APPROVE PERMIT:

Impact approximately 1,580 square feet of jurisdictional wetlands, to include 30 linear feet of seasonal stream impacts, for upgrades to a Class VI road, known as Driscoll Road.

With Conditions:

1. All work shall be in accordance with plans by Michael Lambert, as received by the Department on April 19, 2004.
2. The applicant shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
3. Work shall be done during low or non flow conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. The impacts associated with the temporary work shall be remediated immediately following construction.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

2004-01733 BLUNT, MATT
EAST KINGSTON Unnamed Wetland

COMPLETE NOTIFICATION:
East Kingston Tax map 17, Lot# 2-7

2004-01734 HALL, GARDNER
PLYMOUTH Unnamed Stream

COMPLETE NOTIFICATION:
Plymouth Tax Map 8, Lot# 1

2004-01735 BONNETTE, KENNETH
BELMONT Unnamed Stream

COMPLETE NOTIFICATION:
Belmont Tax Map 105, Lot# 21

2004-01736 DUVAL FAMILY TRUST, PAUL LEMIRE TTEE
LITCHFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Litchfield Tax Map 1, Lot# 22 & 23

2004-01737 GUARINO, JACQUELINE
FRANCESTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Francestown Tax Map 8, Lot# 62

2004-01738 YANKEE FOREST, LLC, C/O WAGNER FOREST MGMT
HEBRON Unnamed Stream

COMPLETE NOTIFICATION:
Hebron Tax Map 23, Lot# 1

2004-01741 WHITE MTN NATIONAL FOREST, C/O WAYNE MILLEN
GORHAM Unnamed Stream

COMPLETE NOTIFICATION:
Gorham Tax Map R2, Lot# 1

2004-01742 WHITE MTN NATIONAL FOREST, C/O WAYNE MILLEN
MARTINS LOCATION Unnamed Stream

COMPLETE NOTIFICATION:
Martins Location Tax Map 1608, Lot# 2

2004-01743 WHITE MTN NATIONAL FOREST, C/O WAYNE MILLEN
SHELBURNE Unnamed Stream

COMPLETE NOTIFICATION:
Shelburne Tax Map 7, Lot# 2

2004-01744 WHITE MTN NATIONAL FOREST, C/O WAYNE MILLEN
LOW BURBANK GRA

COMPLETE NOTIFICATION:
Low & Burbanks Grant Tax Map 1605, Lot# 4

2004-01777 RICHARDS, R WARREN
CONCORD Unnamed Stream

COMPLETE NOTIFICATION:
East Concord Tax Map 123, Lot# 4

2004-01778 KINGS ARROW REALTY TRUST, JOHN COCHRANE
COLUMBIA Unnamed Stream

COMPLETE NOTIFICATION:
Columbia Tax map 410, Lot# 54

2004-01780 WHITTEMORE, FREDRICK
PEMBROKE Unnamed Stream

COMPLETE NOTIFICATION:
Pembroke Tax Map 264, Lot# 88

2004-01781 MERRILL, RICHARD
THORNTON Unnamed Stream

COMPLETE NOTIFICATION:
Thornton Tax Map 15, Lot# 1 & 2

2004-01784 KNAPP, CHRISTOPHER
HINSDALE Unnamed Stream

COMPLETE NOTIFICATION:
Hinsdale Tax map 26, Lot# 7

2004-01801 HART, FRANCES
HENNIKER Unnamed Stream

COMPLETE NOTIFICATION:
Henniker Tax Map 1, Lot# 555

2004-01802 HART, FRANCES
HOPKINTON Unnamed Stream

COMPLETE NOTIFICATION:
Hopkinton Tax Map 210, Lot# 3

2004-01805 ROCHE, EDWARD
DANBURY Unnamed Stream

COMPLETE NOTIFICATION:
Danbury Tax Map 412, Lot# 90

2004-01806 DRED, MT CARDIGAN STATE FOREST
ORANGE Unnamed Stream

COMPLETE NOTIFICATION:
Orange Mt Cardigan State Forest

2004-01843 DECATUR, THOMAS & LUCILLE
FITZWILLIAM Unnamed Stream

COMPLETE NOTIFICATION:
Fitzwilliam Tax Map 11, Lot# 29

EXPEDITED MINIMUM

2003-00182 BUSA, SAM
DANVILLE Unnamed Wetland

Requested Action:

Approve name change request to: Granger Development LLC, PO Box 660, Hampstead, NH 03841 per request received 8/4/04.

Conservation Commission/Staff Comments:

The Danville Conservation Commission signed this Minimum Impact Expedited application with the condition that some additional provisions to reduce the impacts of roadway salt and sand be required since the project is adjacent to wetlands.

On March 24, 2003, DES received a copy of a memorandum from the Danville Conservation Commission to the Danville Planning Board stating that the Conservation Commission's concerns had been addressed by the applicant and the Commission had no further comments. New plans, which addressed the concerns of the Conservation Commission were submitted to DES for review and approval with this letter.

APPROVE NAME CHANGE:

Dredge and fill 1,625 square feet of forested wetland and intermittent stream to extend an existing 12 inch diameter RCP culvert by 10 linear feet and to realign and upgrade Brentwood Road to meet Town and safety requirements.

With Conditions:

1. All work shall be in accordance with plans by Gregsak Engineering, Inc. dated December 2002, last revised January 31, 2003, as received by the Department on March 24, 2003.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work shall be conducted during low flow conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence must be removed once the area is stabilized.
5. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
6. Proper headwall shall be constructed within seven days of culvert installation.
7. Culvert outlets shall be properly rip rapped where appropriate.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

2003-02378 HUCKINS, ROLAND
TILTON Unnamed Stream

Requested Action:

Deny request to fill 310 square feet for access to a proposed building site.

Conservation Commission/Staff Comments:

The conservation commission signed this minimum impact application.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to fill 310 square feet for access to a proposed building site.

With Findings:

1. A request for additional information dated December 1, 2003 and an e-mail to Dean Clark dated March 24, 2004, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2004-00189 ROTONNELLI, DAVID
SANBORTON Unnamed Wetland

Requested Action:

Deny request to fill 100 square feet for access in a proposed subdivision.

Conservation Commission/Staff Comments:

The conservation commission signed this minimum impact application .

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to fill 100 square feet for access in a proposed subdivision.

With Findings:

1. 1. A request for additional information dated March 8, 2004, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

2004-00847 SALISBURY, TOWN OF
SALISBURY Punch Brook

Requested Action:

Temporarily impact 40 square feet of bank on Punch Brook for the installation of a dry hydrant for fire protection.

Conservation Commission/Staff Comments:

The Salisbury Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Temporarily impact 40 square feet of bank on Punch Brook for the installation of a dry hydrant for fire protection.

With Conditions:

1. All work shall be in accordance with plans by Karl Berardi dated December 18, 2003, as received by the Department on April 23, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done in low water conditions.
4. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall

remain until the area is stabilized.

5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Machinery shall not be located within surface waters. All work must be conducted from the top of the bank.
7. Machinery shall be staged and refueled in upland areas.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
10. Discharge from dewatering of work areas shall be to sediment basins that are located in uplands, lined with hay bales or other acceptable sediment trapping liners, or set back as far as possible from wetlands and surface waters --in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. All construction-related debris and dredged material not used to backfill the dry hydrant pipe trench shall be placed outside of the DES Wetlands Bureau jurisdiction.
12. Any portion of the bank disturbed as part of installation of the dry hydrant pipe shall be regraded to original contours, seeded and stabilized immediately following completion of work.
13. The dry hydrant pipe, intake structure and support platform shall be installed so as not to pose a navigational hazard.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(w), Excavation of less than 10 linear feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, for installation of a dry hydrant
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-00848 SALISBURY, TOWN OF
SALISBURY Unnamed Pond

Requested Action:

Temporarily impact 50 square feet of bank on Old Farm Pond for the installation of a dry hydrant for fire protection.

Conservation Commission/Staff Comments:

The Salisbury Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Temporarily impact 50 square feet of bank on Old Farm Pond for the installation of a dry hydrant for fire protection.

With Conditions:

1. All work shall be in accordance with plans by Karl Berardi dated March 3, 2004, as received by the Department on April 23, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Work shall be done in low water conditions.
4. Appropriate siltation and erosion controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no

turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

6. Machinery shall not be located within surface waters. All work must be conducted from the top of the bank.
7. Machinery shall be staged and refueled in upland areas.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
10. Discharge from dewatering of work areas shall be to sediment basins that are located in uplands, lined with hay bales or other acceptable sediment trapping liners, or set back as far as possible from wetlands and surface waters --in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. All construction-related debris and dredged material not used to backfill the dry hydrant pipe trench shall be placed outside of the DES Wetlands Bureau jurisdiction.
12. Any portion of the bank disturbed as part of installation of the dry hydrant pipe shall be regraded to original contours, seeded and stabilized immediately following completion of work.
13. The dry hydrant pipe, intake structure and support platform shall be installed so as not to pose a navigational hazard.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(w), Excavation of less than 10 linear feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, for installation of a dry hydrant
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-00974 FIELDS, MERRITT & BETTE
BRIDGEWATER Unnamed Wetland

Requested Action:

Dredge and fill approximately 2,800 square feet of forested wetland for installation of two (2) 18-inch by 20 foot culverts to access a single family residential lot on approximately 5.2 acres.

Conservation Commission/Staff Comments:

The Bridgewater Conservation Commision signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill approximately 2,800 square feet of forested wetland for installation of two (2) 18-inch by 20 foot culverts to access a single family residential lot on approximately 5.2 acres.

With Conditions:

1. All work shall be in accordance with plans by Kathleen Surowiec, d/b/a Turtle Pond Enterprises dated March 5, 2004 and revised June 28, 2004, as received by the Department on July 1, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-01305 ASTLE, ALAN
DALTON Forest Lake

Requested Action:

Excavate 24 sqft behind the undisturbed shoreline to construct a crib, replace a grandfathered 6 ft by 30 ft permanent dock on Forest Lake, Dalton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application.

APPROVE PERMIT:

Excavate 24 sqft behind the undisturbed shoreline to construct a crib, replace a grandfathered 6 ft by 30 ft permanent dock on Forest Lake, Dalton.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on August 10, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. This permit does not allow for maintenance dredging.
5. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
6. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
10. The dock shall not extend more than 30 ft lakeward at full lake elevation.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v).

2004-01350 **BILODEAU, PAUL**
NEW HAMPTON **Unnamed Stream**

Requested Action:

Dredge and fill approximately 80 square feet (including 20 linear feet) of an unnamed perennial stream for installation of a 4-foot by 20 foot culvert for access to a single family residential lot on approximately 51.1 acres

Conservation Commission/Staff Comments:

The New Hampton Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill approximately 80 square feet (including 20 linear feet) of an unnamed perennial stream for installation of a 4-foot by 20 foot culvert for access to a single family residential lot on approximately 51.1 acres

With Conditions:

1. All work shall be in accordance with plans received by the Department on July 8, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), Installation of a culvert, pole, or rock ford and associated fill to permit vehicular access to a piece of property for a single family building lot or for recreational uses.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-01398 **FEBONIO, STEVEN**
GOFFSTOWN **Unnamed Wetland**

Requested Action:

Dredge and fill approximately 1,107 square feet of forested wetland for access to a single family residential lot of approximately 41.3 acres as part of a 4-lot subdivision of approximately 55 acres.

Conservation Commission/Staff Comments:

7-22-04 Owner called to make corrections to spelling of name, correct Street # and zip code. I made corrections and added her phone #. - Nancy P.

The Goffstown Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill approximately 1,107 square feet of forested wetland for access to a single family residential lot of approximately 41.3 acres as part of a 4-lot subdivision of approximately 55 acres.

With Conditions:

1. All work shall be in accordance with the following plans by Meridian Land Services, Inc.:
 - a.) The Driveway Plan dated April 22, 2004, as received by the Department on June 25, 2004;
 - b.) The Lot Line Adjustments and Subdivision Plan dated April 16, 2004, as received by the Department on August 2, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Work shall be done during low flow conditions.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-01465 KELLY, PAMELA
MANCHESTER Merrimack River

Requested Action:

Replace an existing 8 ft x 10 ft landing over the bank in-kind accessed by 4 ft wide stairs on an average of 50 ft of frontage on the Merrimack River, Manchester.

Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE PERMIT:

Replace an existing 8 ft x 10 ft landing over the bank in-kind accessed by 4 ft wide stairs on an average of 50 ft of frontage on the Merrimack River, Manchester.

With Conditions:

1. All work shall be in accordance with plans by Pamela J. Kelley, as received by the Department on June 30, 2004.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. No work will take place in the river.

4. All measures to prevent sedimentation downstream need to be employed.
5. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
6. All removed material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
7. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
8. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
10. Repair shall maintain existing size, location and configuration.
11. All work shall be performed during low water conditions.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2004-01560 BUTT, LAWRENCE
NORTHFIELD Unnamed Wetland

Requested Action:

Dredge and fill approximately 1,162 square feet of forested wetland (including 15 linear feet of impact to an intermittent stream) for the installation of a 12-inch by 15 foot culvert to access a single family residential lot.

Conservation Commission/Staff Comments:

The Northfield Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill approximately 1,162 square feet of forested wetland (including 15 linear feet of impact to an intermittent stream) for the installation of a 12-inch by 15 foot culvert to access a single family residential lot.

With Conditions:

1. All work shall be in accordance with plans by Hinds Septic Design dated June 23, 2004, as received by the Department on July 13, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow conditions.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-01573

SULLIVAN, JOSEPH & MARGARET

WILTON Unnamed Wetland

Requested Action:

Dredge and fill 1,380 square feet of palustrine forested wetlands to install a 24" x 34' culvert to provide access to a 5-Lot subdivision.

Conservation Commission/Staff Comments:

Conservation Commission signed the expedited application

APPROVE PERMIT:

Dredge and fill 1,380 square feet of palustrine forested wetlands to install a 24" x 34' culvert to provide access to a 5-Lot subdivision.

With Conditions:

1. All work shall be in accordance with subdivision plan dated May 19, 2004, and wetland impact plan dated July 8, 2004, by Sanford Surveying and Engineering as received by the Department on July 13, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Work shall be done during low or non flow.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2004-01626 KURK, HELEEN
WEARE Unnamed Pond

Requested Action:

Maintenance dredge approximately 6,500 square feet within 4 man-made ponds.

Conservation Commission/Staff Comments:

Conservation Commission signed the expedited application.

APPROVE PERMIT:

Maintenance dredge approximately 6,500 square feet within 4 man-made ponds.

With Conditions:

1. All work shall be in accordance with plans by the applicant, as received by the Department on July 16, 2004.
3. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
2. Work shall be done during drawdown or during low flow conditions with appropriate in-stream erosion controls.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
9. No fill shall be done for lot development.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.1.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(k), maintenance dredge when necessary to provide continued usefulness of man-made ponds not to exceed 20,000 sq ft of impacts.

2004-01655 NASHUA, CITY OF
NASHUA Unnamed Stream

Requested Action:

Dredge and fill approximately 400 square feet of forested wetland to construct an access road for fire protection.

Conservation Commission/Staff Comments:

The Nashua Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill approximately 400 square feet of forested wetland to construct an access road for fire protection.

With Conditions:

1. All work shall be in accordance with plans by Fay, Spofford & Thorndike dated March 2004, as received by the Department on July 20, 2004.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Work shall be done during low flow conditions.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

TRAILS NOTIFICATION

2004-01681 HANCOCK, TOWN OF
HANCOCK Unnamed Stream

COMPLETE NOTIFICATION:

Hancock Tax Map U5 & U4, Lot# 1 & 18

2004-01739 POWDER MILL SNOWMOBILE CLUB
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
New Durham DOT Right-of Way

2004-01751 WINDHAM, TOWN OF
WINDHAM Unnamed Stream

COMPLETE NOTIFICATION:
Windham Tax map Town owned properties

2004-01765 FOUNTAIN FORESTRY
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
New Durham Tax Map 14, Lot# 15
17, Lot # 1

2004-01804 DRED - TRAILS BUREAU
CLARKSVILLE Unnamed Stream

COMPLETE NOTIFICATION:
Clarksville Tax Map R6, Lot# 2

ROADWAY MAINTENANCE NOTIF

2004-01834 NH DEPT OF TRANSPORTATION, DISTRICT ONE
WENTWORTHS LOCA Unnamed Stream

2004-01835 NH DEPT OF TRANSPORTATION, DISTRICT ONE
ERROL Unnamed Wetland

2004-01836 NH DEPT OF TRANSPORTATION, DISTRICT ONE
LANCASTER Unnamed Wetland

2004-01837 **LOBDELL, RAYMOND**
BATH **Unnamed Wetland Unnamed Stream**

2004-01863 **DRED - TRAILS BUREAU**
WINCHESTER **Unnamed Stream**

PERMIT BY NOTIFICATION

2004-00652 **WINSLOW INTER VIVOS TRUST, JOYCE**
ENFIELD **Mascoma Lake**

Requested Action:

PBN disqualified per rule Wt. 506.02(g), for untimely response to an notice of incompleteness.

PBN DISQUALIFIED:

PBN disqualified per rule Wt. 506.02(g), for untimely response to an notice of incompleteness.

2004-01019 **FERRY, WILLIAM**
GILFORD **Lake Winnepesaukee**

Requested Action:

PBN disqualified per rule Wt. 502.06(g), for untimely response to notice of incompleteness.

PBN DISQUALIFIED:

PBN disqualified per rule Wt. 502.06(g), for untimely response to notice of incompleteness.

2004-01810 **MCELENEY TRUST, LETITIA**
HILLSBOROUGH **Unnamed Stream**

Requested Action:

PBN#2, Installation of a residential utility line with 170 square feet of temporary impact.

Conservation Commission/Staff Comments:

The Hillsborough Conservation Commission signed the PBN.

PBN IS COMPLETE:

PBN#2, Installation of a residential utility line with 170 square feet of temporary impact.

2004-01830 GUNSTOCK BROOK CONSTRUCTION LLC
BELMONT Unnamed Wetland

Requested Action:

PBN#1, Dredge and fill approximately 600 square feet of emergent wetland for installation of a 12-inch by 20 foot culvert to access a single family residential lot of approximately 1 acre.

Conservation Commission/Staff Comments:

The Belmont Conservation Commission signed the PBN form.

PBN IS COMPLETE:

PBN#1, Dredge and fill approximately 600 square feet of emergent wetland for installation of a 12-inch by 20 foot culvert to access a single family residential lot of approximately 1 acre.

2004-01862 LW PACKARD & CO., INC
ASHLAND Squam River

Requested Action:

PBN4, Repair in kind 12 linear feet of dam and gate on Squam River.

Conservation Commission/Staff Comments:

The Ashland Conservation Commission signed the PBN form.

PBN IS COMPLETE:

PBN4, Repair in kind 12 linear feet of dam and gate on Squam River.